



## PLANNING COMMISSION STAFF REPORT

<b>File No.</b>	<b>CP14-028</b>
<b>Applicant:</b>	<b>Eric Midiere, Minden Midiere Architects</b>
<b>Location</b>	<b>1350, 1358, 1362 Ridder Park Drive</b>
<b>Existing Zoning</b>	<b>IP Industrial Park</b>
<b>Council District</b>	<b>4</b>
<b>Historic Resource</b>	<b>N/A</b>
<b>Annexation Date:</b>	<b>February 02, 1981</b>
<b>CEQA:</b>	<b>Exempt</b>

**APPLICATION SUMMARY:** Conditional Use Permit to allow religious assembly use in an existing 17,575 square foot industrial office building, located on a 3.5 gross acre site in the IP Industrial Park Zoning District.

**RECOMMENDATION:** Staff recommends that the Planning Commission **approve** the **Conditional Use Permit** based on the facts and findings in this staff report and the attached draft Resolution.

### PROJECT DATA

GENERAL PLAN CONSISTENCY			
General Plan Designation		Combined Industrial/Commercial <input checked="" type="checkbox"/> Consistent <input type="checkbox"/> Inconsistent	
Consistent Policies		CD-2.9; VD-5; VD-5.2, VD-5.3; VD-5.4	
Inconsistent Policies		None	
SURROUNDING USES			
	General Plan Land Use	Zoning	Existing Use
North	Public/Quasi-Public	A Agriculture	Orchard Elementary School
South	Industrial Park	IP Industrial Park	Office
East	Combined Industrial/Commercial, Residential Neighborhood	HI Heavy Industrial, A(PD) Planned Development	Office, Single-Family Residential, Multi-Family Residential
West	Industrial Park	IP Industrial Park	Office

RELATED APPROVALS	
<b>Date</b>	<b>Action</b>
<b>2/02/81</b>	Site annexed into the City of San Jose (Orchard No. 92).
<b>4/26/84</b>	Site Development Permit to build 51,552 square feet of office, R&D in two buildings (File No. H81-271).
<b>3/25/86</b>	Tentative Map to subdivide one property into two lots (File No. T86-025).

1/14/09	General Plan Amendment to add a Mixed Industrial Overlay Zone to the existing Land Use/Transportation Diagram designation of Industrial Park (File No. GP09-04-01).
2/02/14	Preliminary Review application to determine how to obtain a Conditional Use Permit for a religious assembly use on the site (File No. PRE14-023).

## PROJECT DESCRIPTION

On May 8, 2014, a Conditional Use Permit (CUP) application was submitted to allow religious assembly use in a portion of an existing 17,575 square foot building. Church/religious assembly use is a conditional use in the IP Industrial Park Zoning District, provided the General Plan Land Use/Transportation Diagram designation is Combined Industrial/Commercial (CIC).

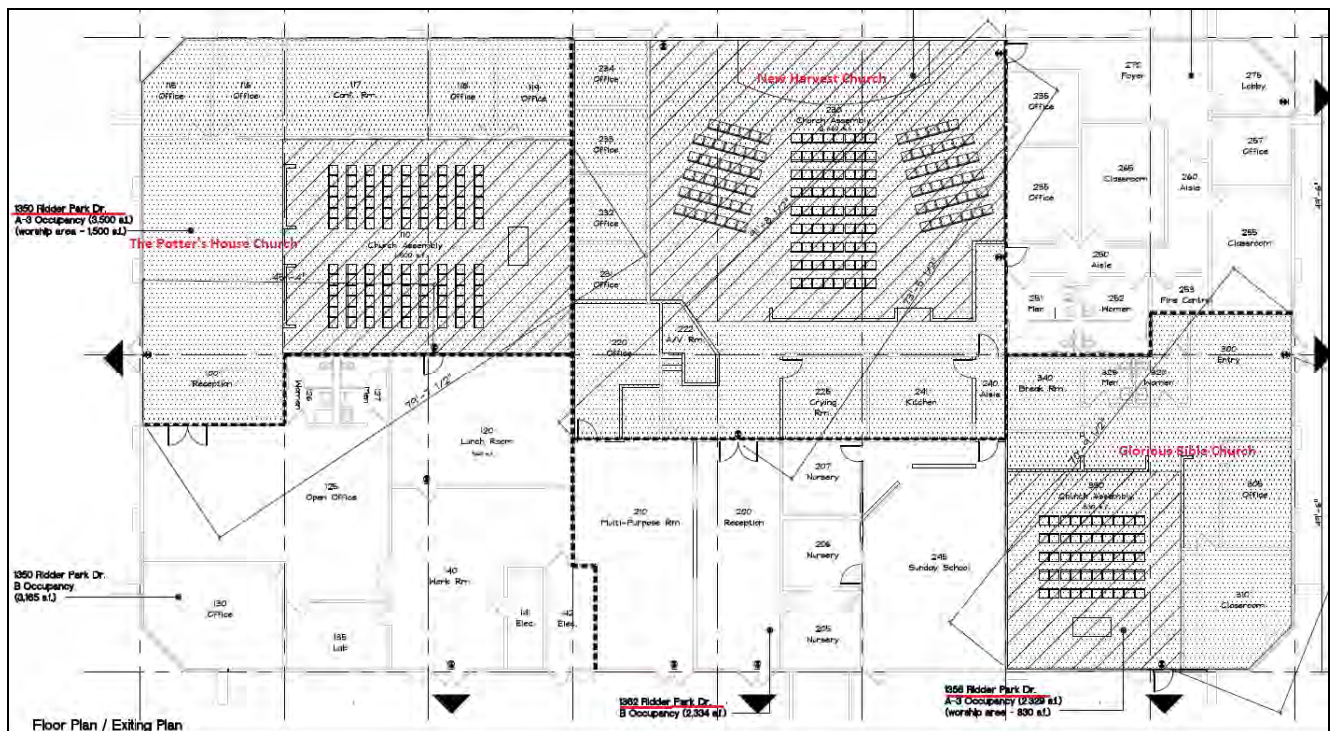


Figure 1: Floor Plan

## Background

In January 2009, New Harvest Christian Fellowship, one of the groups occupying the site, applied for a General Plan Amendment to request that the San Jose 2020 Land Use/Transportation Diagram designation be amended to add the Mixed Industrial Overlay to the project parcel. This overlay permitted religious assembly uses on industrial zoned parcels in accordance with an approved CUP. This General Plan Amendment was approved on January 14, 2009. However, New Harvest Christian Fellowship never obtained the necessary CUP to operate their religious assembly use.

With the adoption of the Envision San Jose 2040 General Plan in 2011, the site was given the new Land Use/Transportation Diagram designation of Combined Industrial/Commercial. With this designation, assembly use is still permitted with the approval of a CUP.

The subject CUP application filed by the applicant's representative was intended to be for a 6,500 square foot space currently occupied by Potter's Church. Upon further inquiry, staff became aware that two other churches were occupying the same building for religious assembly use. Once permission was granted by the original applicant, the scope of the CUP application was expanded to include the entire building. The three churches now occupying the building and concurrently applying for this CUP are: 1) Potter's House Church (1350 Ridder Park Drive), 2) New Harvest Christian Fellowship (1358 Ridder Park Drive), and 3) Glorious Bible Church (1362 Ridder Park Drive).

### Site Location:

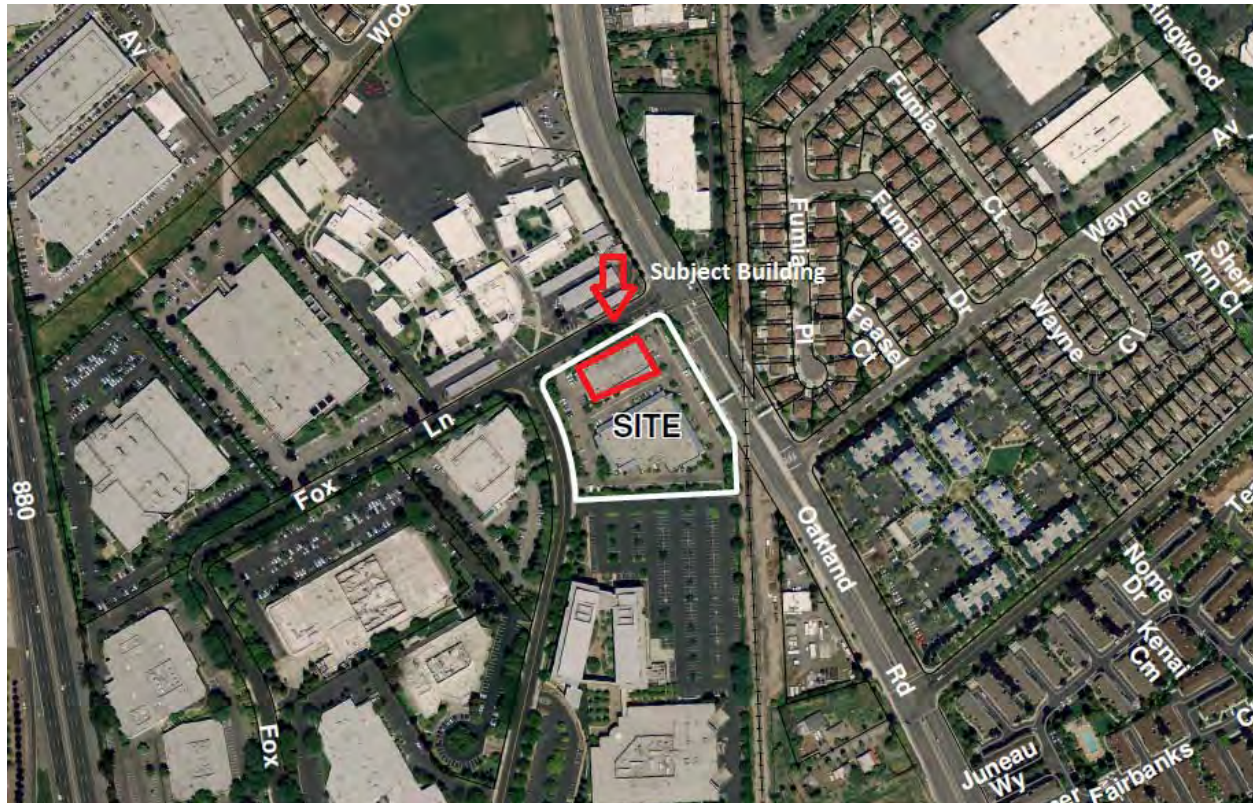


Figure 2: Aerial Image of Subject Site

The 3.5 acre site is located on the southwest corner of Ridder Park Drive and Fox Lane (see Figure 2), and is currently developed with two industrial buildings totaling 51,500 square feet. These buildings were constructed pursuant to a Site Development Permit approved in 1984 (File No. H83-271). The proposed CUP only covers the building addressed as 1350, 1358, and 1362 Ridder Park Drive. The total square footage of this building is 17,575 square feet, and is completely occupied by the three aforementioned churches.

The surrounding land uses include Orchard Elementary School to the north, general business offices to the west, an industrial building to the south, and industrial buildings, and single-family and multi-family residences to the east.

## ANALYSIS

The proposed CUP was analyzed with respect to: 1) Conformance with the Envision 2040 General Plan; and 2) Conformance to the Zoning Code.



## Envision San José 2040 General Plan Conformance

The General Plan Land Use/Transportation Diagram designation for the project site is Combined Industrial/Commercial (See Figure 3). This land use designation allows a significant amount of flexibility for the development of a varied mixture of compatible commercial and industrial uses, including hospitals and private community gathering facilities. This designation applies in areas where the existing development pattern exhibits a mix of commercial and industrial land uses or in areas on the boundary between commercial and industrial uses.

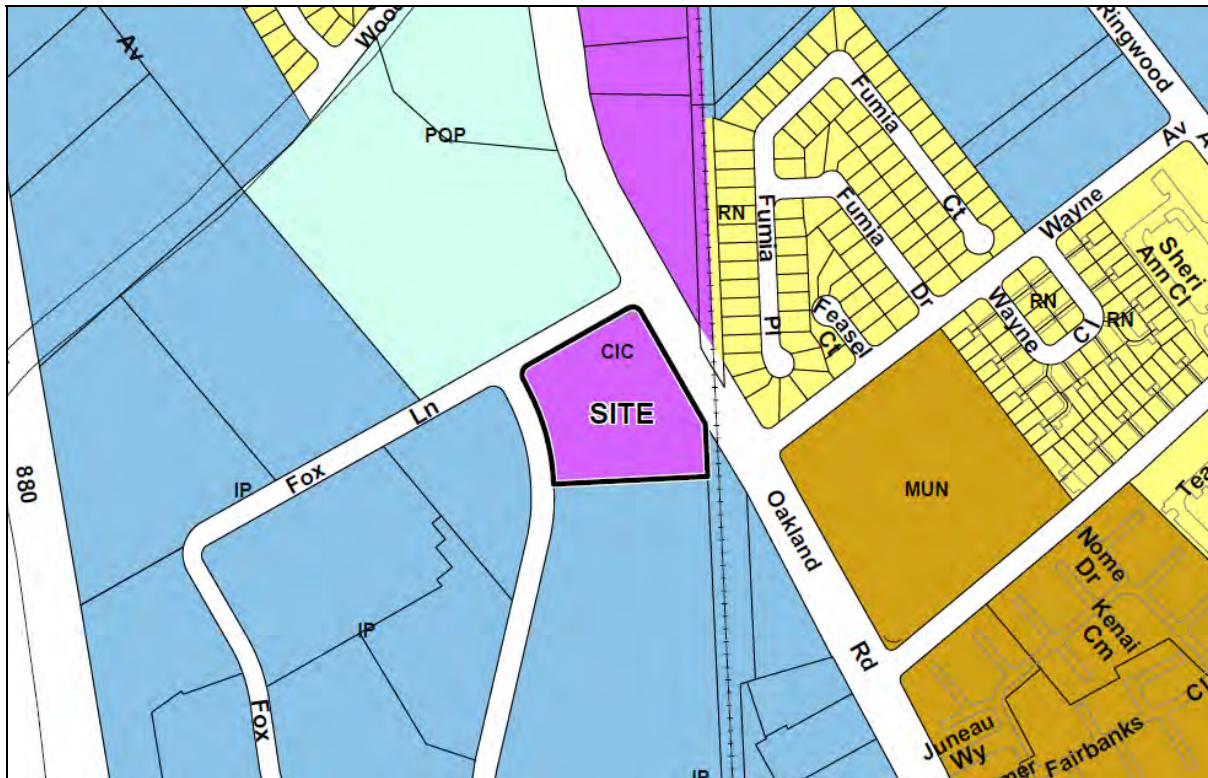


Figure 3: General Plan Land Use/Transportation Diagram

The CIC designation encourages the location of community gathering facilities in locations like the proposed site. Specifically, Vibrant Neighborhood Policy VD-5.2 encourages the location of private community gathering facilities on Combined Industrial/Commercial sites where it can be demonstrated that potential land use incompatibilities can be fully addressed. The immediate area surrounding the project site has very low-intensity office uses, school uses, and residential uses. The approval of this project would add to the variety of uses that already exist in the immediate area of the project site, without creating any adverse effects on the surrounding community. The majority of the activities that take place at the site for all three churches occur during off peak hours in the evening and on the weekends. Additionally, the existing building has a parking lot that can accommodate the necessary parking for the aggregate church uses.

More importantly, this use serves as a buffer between the residential uses to the east and the more industrial uses to the west of the site. As the area to the west of the project site becomes more industrial, this use acts as a buffer between the lower intensity uses and the higher intensity. As such, the proposed project is aligned with the goals and policies of the CIC land use designation.

In addition to conforming to the General Plan Land Use/Transportation Diagram designation, the project conforms to the following General Plan Policies:

1. Community Design Policy: CD-2.9: Encourage adaptable space that can be used for multiple employment or public/quasi-public purposes...and religious assembly use in a single space.

*Analysis: The proposed site is an existing industrial office building. The proposed religious assembly use will not alter the structure's ability to serve as an office at a later time. This adaptable space allows for the proposed assembly use now, but does not preclude the use of the industrial office space at a later date.*

2. Vibrant Neighborhood Goal: VD-5: Provide for the development of private community gathering facilities at locations within or near residential, commercial, or mixed residential-commercial neighborhoods throughout the City to accommodate the social and cultural activities on the San Jose community.

*Analysis: Even though the proposed project is in an IP Industrial Park zone, the building is located near a variety of uses such as single-family residences, an elementary school, and office buildings. This site is a convenient location for religious assembly use as it is easily accessible by the surrounding community.*

3. Vibrant Neighborhood Policy: VD-5.3: Consider Private Community Gathering Facilities through a discretionary review process to carefully evaluate land use compatibility, multi-use spaces, and conditions of approval.

*Analysis: The purpose of this discretionary CUP is to review this project for project for consistency with the General Plan and the Zoning Code to ensure that this is a compatible land use in this particular area.*

4. Vibrant Neighborhood Policy: VD-5.4: Recognize that private community gathering facilities can inherently involve large groups of people, including people who are susceptible to environmental hazards, such as children or the elderly. Carefully consider existing and potential future proximate land uses when locating private community gathering facilities to avoid health and safety risks and minimize incompatible land uses. Consider locating private community gathering facilities only on the edges of Industrial Park, Light Industrial, or Heavy Industrial areas on properties that are directly adjacent to residential or school uses. Allow private community gathering facilities in these areas only if they will not have adverse impacts on the viability of the adjacent industrial areas due to environmental hazards or land use incompatibilities. Do not locate private community gathering facilities within the interior of Industrial Park, light Industrial, or Heavy Industrial areas.

*Analysis: The proposed use is located in a building that is on the edge of this particular Industrial Park Zoning District. The site is surrounded by a variety of lower intensity uses that will not create safety risks or hazards for those that attend the different churches. The proposed use will be contained in an existing building, and will not be causing any adverse construction effects. Moreover, the project site has a parking lot that can accommodate the proposed use, and the parking and traffic generated from this use will not affect the surrounding neighborhood.*

## **Zoning Ordinance Conformance**

The project site is in the IP Industrial Park Zoning District. The existing building conforms to the development standards set forth in the IP Zoning District. Religious assembly use is a conditional use in the IP Zoning District if the site has a Land Use/Transportation Diagram designation of CIC. As discussed above, this site has the appropriate General Plan Land Use/Transportation Diagram designation. As such, this use is allowed in this zoning district upon issuance of and in compliance with a Conditional Use Permit.

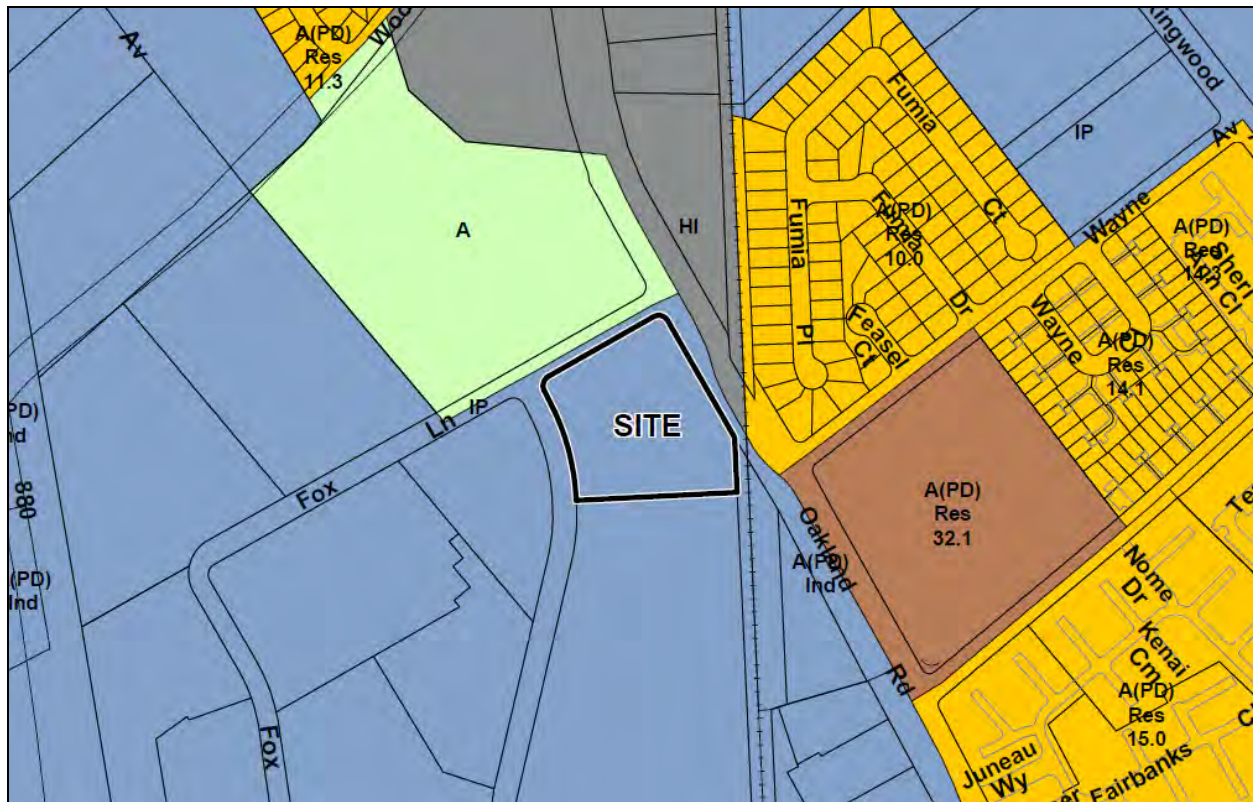


Figure 4: Zoning Map

### *Parking*

Parking for church/religious assembly use requires one space per 30 square feet of area designed for assembly and used together or separately for worship. There are three churches at the proposed site, and each has a designated worship space. The Potter's House Church has an assembly space of 1,500 square feet, which requires 50 parking spaces. The Glorious Bible Christian Fellowship has a worship space of 830 square feet, which requires 28 parking spaces. The New Harvest Christian Fellowship has a 2,340 square foot assembly area, thus requiring 78 parking spaces. Together, these three churches are required to provide 156 parking spaces. The existing site provides 165 parking stalls. The second building on site is 33,925 square feet. The use for this building is listed as research and development office use. Parking for a R&D office building is calculated at 1 space per 300 square feet of floor area. Floor area is equal to 85% of the gross floor area of the building. As such, this building requires 96 parking spaces. The uses in the second building operate during the traditional business hours of 8am-5pm, Monday-Friday. The only church that operates during the same hours as the second building is the Glorious Bible Church. The Glorious Bible Church office is open from 10am-3pm Monday through Friday with one employee in the office. They also operate an after school, personal enrichment program from 3pm -6pm for 18 students with 1 teacher. After school enrichment requires 1 parking space per three students, and one for the instructor. As such, this afterschool program requires 8 parking spaces. As stated, the parking lot has 165 stalls, which far exceeds the required parking for business hour activities for the activities of the Glorious Bible Church activities and the businesses in the 1330 Building. There are 81 remaining spaces in the parking lot during business hours.

Below is a table of times each church uses the property. The majority of uses are either after regular business hours Monday through Friday, or on the weekends. Based on the use table, there is sufficient parking provided on-site during the week days and weekend. Each church will be required to ensure that enough parking is provided, and plan their worship schedules accordingly. The property owner may make the decision as to how the remaining spaces are used during business hours. In order to be able to provide enough parking, the majority of each church's activities shall be restricted to weekends and after 5 pm Monday-Friday.

	<b>Monday</b>	<b>Tuesday</b>	<b>Wednesday</b>	<b>Thursday</b>	<b>Friday</b>	<b>Saturday</b>	<b>Sunday</b>
<b>Glorious Bible</b>	10am-3pm 3pm-6pm	10am-3pm 3pm-6pm	10am-3pm 3pm-6pm	10am-3pm 3pm-6pm	10am-3pm 3pm-6pm	6pm-9pm	10am-2pm
<b>New Harvest</b>	6pm-9pm	6pm-9pm	5pm-10pm	6pm-9pm	7pm-10pm	10am-2pm	8am-1pm
<b>Potter's House</b>			7:30pm-9pm				10am-11am 11am-12pm 7pm-8pm

Figure 5: Hours of Operation

### CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Under the provisions of Section 15301(a) of the State Guidelines for Implementation of the California Environmental Quality Act, the Conditional Use Permit is found to be exempt from the environmental review requirements of Title 21 of the San José Municipal Code, implementing the California Environmental Quality Act of 1970, as amended (CEQA). Section 15301(a) (Existing Facilities) exemption applies to the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.


### PUBLIC HEARING NOTIFICATION

- ☐ **Criterion 1:** Requires Council action on the use of public funds equal to \$1 million or greater.  
(Required: Website Posting)
- ☐ **Criterion 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City.  
(Required: E-mail and Website Posting)
- ☐ **Criterion 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. (Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)



Although this item does not meet any of the criteria above, staff followed Council Policy 6-30: Public Outreach Policy. A notice of the public hearing was distributed to the owners and tenants of all properties located within 500 feet of the project site and posted on the City website. The staff report is also posted on the City's website. Staff has been available to respond to questions from the public.

**Project Manager:** Lea Simvoulakis

**Approved by:**  , Division Manager for Harry Freitas, Planning Director

**Date:** 12/2/14

<b>Attachments:</b>
Exhibit A: Draft Resolution
Exhibit B: Reduced Plan Set

<b>Owner:</b>	<b>Applicant:</b>
Tammy Eliseian	Eric Midiere
P.O. Box 1856	Minden Midiere Architects
Fremont, CA 94538	21580 Stevens Creek Boulevard, Suit 209A
	Cupertino, CA 95014



## **RESOLUTION NO.**

Resolution of the Planning Commission of the City of San José granting, subject to conditions, a Conditional Use Permit to allow religious assembly use in an existing 17,575 square foot building on a 3.5 gross acre site situate in the IP Industrial Park Zoning District, located at the southeast corner of Ridder Park Drive and Fox Lane (1350, 1358, 1362 Ridder Park Drive)

## **FILE NO. CP14-028**

WHEREAS, pursuant to the provisions of Chapter 20.100 of Title 20 of the San José Municipal Code, on May 8, 2014, an application (File No. CP14-028) was filed for a Conditional Use Permit for the purpose of allowing religious assembly use in an existing 17,575 square foot office building (hereinafter referred to as "subject property"), situate in the IP Industrial Park Zoning District, located at 1350, 1358, and 1362 Ridder Park Drive, San Jose, CA 95131.

WHEREAS, the subject property is all that real property described in Exhibit "A," which is attached hereto and made a part hereof by this reference as if fully set forth herein; and

WHEREAS, pursuant to and in accordance with Chapter 20.100 of Title 20 of the San José Municipal Code, this Planning Commission conducted a hearing on said application, notice of which was duly given; and

WHEREAS, at said hearing, this Planning Commission gave all persons full opportunity to be heard and to present evidence and testimony respecting said matter; and

WHEREAS, at said hearing this Planning Commission received and considered the reports and recommendation of the Director of Planning, Building and Code Enforcement; and

WHEREAS, at said hearing, this Planning Commission received in evidence a development plan for the subject property entitled, "Conditional Use Permit For 1350 Ridder Park Drive, San Jose," dated September 12, 2014. Said plan is on file in the Department of Planning, Building and Code Enforcement and is available for inspection by anyone interested herein, and said development plan is incorporated herein by this reference, the same as if it were fully set forth herein; and

WHEREAS, said hearing was conducted in all respects as required by the San José Municipal Code and the rules of this Planning Commission;

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SAN JOSÉ AS FOLLOWS:

The Planning commission determines, concludes and finds as follows:

1. **Site Development and Surrounding Uses.** The subject building is located on the southwest corner of Ridder Park Drive and Fox lane, on a 3.5 gross acre site. There are two buildings on the property. The subject building has the addresses of 1350, 1358, 1362 Ridder Park Drive, and is 17,575 square feet in size. The three churches New Christian Fellowship , Potter's House Church, and Glorious Bible Church currently occupy this building. The other building, which is not the subject of this Conditional Use Permit, is occupied by research and development office use. The subject site is surrounded by a school to the north, offices to the south, single-family residences and offices to the east, and offices to the west.
2. **Project Description.** The applicant requests a Conditional Use Permit to allow religious assembly use in an existing 17,575 square foot industrial office building. Three churches currently occupy the subject building, and this Conditional Use Permit will bring these existing religious assembly uses into compliance with the Zoning Code. No physical expansion or exterior building alteration is proposed at this time.
3. **General Plan Conformance.** The Project is in conformance with the site's designation of Combined Industrial/Commercial (CIC) on the adopted San José 2040 General Plan Land Use/Transportation Diagram. The CIC land use designation encourages the location of community gathering facilities in locations like the proposed site. Specifically, Vibrant Neighborhood Policy VD-5.2 encourages the location of private community gathering facilities on Combined Industrial/Commercial sites where it can be demonstrated that potential land use incompatibilities can be fully addressed. The immediate area surrounding the Project site has office, school, and residential uses. The approval of this Project would add to the variety of uses that already exist in the immediate area of the Project site, without creating any adverse effects on the surrounding community.
4. **Zoning Ordinance Compliance.** The project site is located in the IP Industrial Park Zoning District. The site complies with all applicable provisions of the Zoning Ordinance, in that:
  - a. Church/religious assembly use is permitted in the IP Industrial Park Zoning District with the procurement of a Conditional Use Permit as long as the site has the CIC General Plan Land Use/Transportation Diagram designation.
  - b. The parking requirement for religious assembly use is one space per 30 square feet of assembly area. Based on the square footage of the assembly space for each church, 156 parking stalls are required. The existing parking lot for the building provides 165 parking stalls. The second building on site is 33,925 square feet. The use for this building is listed as research and development office use. Parking for a R&D office building is calculated at 1 space per 300 square feet of floor area. Floor area is equal to 85% of the gross floor area of the building. As such, this building requires 96 parking spaces. The uses in the second building operate during the traditional business hours of 8am-5pm, Monday-Friday. The only church that operates during the same hours as the second building is the Glorious Bible Church. The Glorious Bible Church office is open from 10am-3pm Monday through Friday with one employee in the office. They also operate an after school, personal enrichment program from 3pm -6pm for 18 students with 1 teacher. After school enrichment requires 1 parking space per three students, and one for the instructor. As such, this afterschool program requires 8 parking spaces. As stated, the parking lot has 165 stalls, which far exceeds the required parking for business hour activities for the activities of the Glorious Bible Church activities and the businesses in the 1330 Building. There are 81 remaining spaces in the

parking lot during business hours. As such, there is enough parking on the church property for all three churches.

5. **CEQA Compliance.** The proposed Project is in compliance with the California Environmental Quality Act. Under the provisions of Section 15301(a), Existing Facilities, of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA), this Project is found to be exempt from the environmental review requirements of Title 21 of the San José Municipal Code, implementing the California Environmental Quality Act of 1970, as amended. The Project does not include any modifications or significant expansion of use beyond what already exists, and therefore will not have a significant adverse impact on the environment.
6. **Conditional Use and Special Use Permit Findings.** Chapter 20.100 of Title 20 of the San Jose Municipal Code establishes required findings for issuance of a Conditional Use Permit, which findings are made for the Project based on the above-stated findings related to General Plan, Zoning and CEQA conformance and for the reasons stated below, and subject to the conditions set forth in this Permit.
  - a. The proposed use at the location requested will not (i) adversely affect the peace, health, safety, morals or welfare of persons residing or working in the surrounding area, or (ii) impair the utility or value of property of other persons located in the vicinity of the site, or (iii) be detrimental to public health, safety or general welfare, in that the proposed use will be a compatible land use to the surrounding office, school, and residential uses, and will be using an existing building with sufficient parking.
  - b. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this title, or as is otherwise required in order to integrate said use with the uses in the surrounding areas, in that the existing 165 parking spaces is sufficient to provide the 156 parking spaces required by this Project.
  - c. The proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quality of traffic such use would generate, and by other public or private service facilities as are required, in that the approval of this Conditional Use Permit will not have any impact on the level of service currently provided by surrounding highways and streets, and other public and private service facilities will not be adversely impacted by this proposal.
7. **Alternating Parking Use.** Chapter 20.90 of Title 20 of the San Jose Municipal Code establishes required findings for alternating use of common parking facilities, where certain uses generate parking demands during hours when the remaining uses are not in operation. These findings are made for the reasons stated below, and subject to the conditions set forth in this Permit:
  - a. The number of off-street parking spaces provided in such parking facilities adequately meets the parking requirements of the individual buildings and uses as specified in Chapter 20.90 of this Title 20 in that 156 spaces are required by the three churches, during the peak worship hours on the weekends. The second building on site requires 96 spaces during the hours of 8a.m. to 5p.m. Monday through Friday. There are an additional 69 spaces available during business hours Monday through Friday. Glorious Bible Church is the only church that uses the site during these business hours. Glorious Bible Church operates a personal enrichment class for 18 students, which requires 8 parking stalls That leaves 61 available spaces for other business or church use during regular business hours. As such, there will be sufficient parking at the necessary times each use requires said parking spaces.



- b. It is reasonably certain that the parking facility shall continue to be provided and maintained at the same location for the service of the building or use for which such facility is required, during the life of the building or use in that a single property owner owns the entire site, and is aware that an alternative use parking arrangement is needed in order for the three churches to be in compliance with this Conditional Use Permit.
- c. The parking facility is reasonably convenient and accessible to the building or uses to be served in that the parking lot is directly adjacent to the subject building.

In accordance with the findings set forth above, a Conditional Use Permit to use the subject property for religious assembly use subject to each and all of the conditions hereinafter set forth is hereby **approved**. This Planning Commission expressly declares that it would not have granted this Conditional Use Permit upon and subject to each and all of said conditions, each and all of which conditions shall run with the land and be binding upon the owner and all subsequent owners of the subject property, and all persons who use the subject property for the use conditionally permitted hereby.

## CONDITIONS

1. **Acceptance of Permit.** Pursuant to Section 20.100.290(B) of Title 20 of the San Jose Municipal Code, should the applicant fail to file a timely and valid appeal of this Permit within the applicable appeal period, such inaction by the applicant shall be deemed to constitute all of the following on behalf of the applicant:
  - a. Acceptance of the Permit by the applicant; and
  - b. Agreement by the applicant to be bound by, to comply with, and to do all things required of or by the applicant pursuant to all of the terms, provisions, and conditions of this Permit or other approval and the provisions of Title 20 applicable to such Permit.
2. **Building Permit/Certificate of Occupancy.** Procurement of a Building Permit and/or Certificate of Occupancy from the City's Chief Building Official ("Building Official") for the structure described or contemplated under this Conditional Use Permit shall be deemed acceptance of all conditions specified in this Conditional Use Permit and the applicant's agreement to fully comply with all of said conditions. No change in the character of occupancy or change to a different group of occupancies as described by the San José Building Code (San José Municipal Code, Title 24) shall be made without first obtaining a Certificate of Occupancy from the Building Official, as required under San José Municipal Code Section 24.02.610, and any such change in occupancy must comply with all other applicable local and state laws.
3. **Permit Expiration.** This Conditional Use Permit shall automatically expire two years from and after the date of adoption of the Resolution by the Planning Commission, or by the City Council on appeal, granting this Permit, if within such two-year period, the proposed use of this site or the construction of buildings has not commenced, pursuant to and in accordance with the provisions of this Conditional Use Permit. The date of adoption is the date the Resolution granting this Conditional Use Permit is approved by the Planning Commission. However, the Director of Planning may approve a Permit Adjustment to extend the validity of this Permit for a period of up to two years. The Permit Adjustment must be approved prior to the expiration of this Permit.

4. **Sewage Treatment Demand.** Chapter 15.12 of Title 15 of the San José Municipal Code requires that all land development approvals and applications for such approvals in the City of San José shall provide notice to the applicant for, or recipient of, such approval that no vested right to a Building Permit shall accrue as the result of the granting of such approval when and if the City Manager makes a determination that the cumulative sewage treatment demand of the San José-Santa Clara Water Pollution Control Plant represented by approved land uses in the area served by said Plant will cause the total sewage treatment demand to meet or exceed the capacity of San José-Santa Clara Water Pollution Control Plant to treat such sewage adequately and within the discharge standards imposed on the City by the State of California Regional Water Quality Control Board for the San Francisco Bay Region. Substantive conditions designed to decrease sanitary sewage associated with any land use approval may be imposed by the approval authority.
5. **Conformance with Plans.** Construction and development shall conform to the approved Conditional Use Permit plans entitled, "Conditional Use Permit for: 1350 Ridder Park Drive, San Jose CA," dated September 12, 2014, on file with the Department of Planning, Building and Code Enforcement and to the San José Building Code (San José Municipal Code, Title 24).
6. **Compliance with Local and State Laws.** The subject use shall be conducted in full compliance with all local and state laws. No part of this approval shall be construed to permit a violation of any part of the San José Municipal Code. The Conditional Use Permit and/or underlying Permit shall be subject to revocation if the subject use is conducted in such a manner as to cause a nuisance, as defined above.
7. **Use Authorization.** Religious assembly uses are allowed by this Conditional Use Permit.
8. **Hours of Operation.** The three churches may use their individual church sanctuaries for assembly purposes only outside the hours of 8 a.m.- 5 p.m. Monday through Friday. Currently one church (Glorious Bible Church) is operating during the hours of 8 a.m.-5 p.m. for clerical purposes, and from the hours of 3 p.m.- 6 p.m. for personal enrichment classes. This use is not restricted, as it generally does not generate the parking demands required for assembly use. The property owner and applicant shall closely regulate the simultaneous use of the parking lot for non-assembly use by the churches during 8 a.m. and 5 p.m. Monday through Friday so as not to create a parking deficiency and/or allow uses that do not meet the City's parking requirements as codified in Title 20 (Zoning Ordinance).
9. **Nuisance.** This use shall be operated in a manner which does not create a public or private nuisance. Any such nuisance must be abated immediately upon notice by the City.
10. **Anti-Graffiti.** The permittee shall remove all graffiti from buildings and wall surfaces within 48 hours of defacement.
11. **Lighting.** No new exterior lighting is approved at this time. All proposed lighting shall be subject to approval by the Director of Planning.
12. **Signage.** No signs are approved at this time. All proposed signs shall be subject to approval by the Director of Planning.
13. **Visible Street Numbers.** Street numbers shall be visible day and night from the nearest street, either by means of illumination or by use of reflective materials.

14. **Fencing.** The permittee shall retain all existing fences on the proposed property.
15. **Building Clearance for Issuing Permits.** Prior to the issuance of a Building Permit, the following requirements must be met to the satisfaction of the Chief Building Official:
- a. *Construction Plans.* This permit file number, CP14-028, shall be printed on all construction plans submitted to the Building Division.
  - b. *Construction Conformance.* A project construction conformance review by the Planning Division is required. Planning Division review for project conformance will begin with the initial plan check submittal to the Building Division. Prior to final inspection approval by the Building Department, applicant shall obtain a written confirmation from the Planning Division that the project, as constructed, conforms to all applicable requirements of the subject Permit, including the plan sets. To prevent delays in the issuance of Building Permits, please notify Planning Division staff at least one week prior to the final Building Division inspection date.
16. **Fire Safety.** Compliance with all applicable fire and building codes and standards relating to fire and panic safety shall be verified by the Fire Department during the Building Permit process to the satisfaction of the Fire Chief. Prior to Building Clearance, all requirements for fire safety shall be met to the satisfaction of the Fire Chief.
17. **Public Works.** Prior to the approval of the Tract or Parcel Map (if applicable) by the Director of Public Works, or the issuance of Building Permits, whichever occurs first, the applicant will be required to have satisfied all of the following Public Works conditions. The applicant is strongly advised to apply for any necessary Public Works permits prior to applying for Building Permits.
- a. *Transportation:*
    - i. The projected traffic for this project was reviewed and found to be minimal; therefore no further traffic analysis is required.
    - ii. Based on the submitted operating hours by the applicant, there will be no traffic generated during the City's peak hours.
  - b. *Minor Improvement Permit:* The public improvements conditioned as part of this Conditional Use Permit require the execution of a Minor Street Improvement Permit that guarantees the completion of the public improvements to the satisfaction of the Director of Public Works. The Minor Improvement Permit includes privately engineered plans, insurance, surety deposit, and engineering and inspection fees.
  - c. *Grading/Geology:* The Project site is within the State of California Seismic Hazard Zone. Since there will be no construction of any new structures, a geotechnical investigation report addressing the potential hazard of liquefaction will not be required by the City Geologist.
  - d. *Stormwater Runoff Pollution Control Measures:* This Project must comply with the City's Post-Construction Urban Runoff Management Policy (Policy 6-29) which requires implementation of Best Management Practices (BMPs) which includes site design measures and source controls stormwater treatment measures to minimize stormwater pollutant discharges.
  - e. *Stormwater Peak Flow Control Measures:* The Project is located in a non-Hydromodification Management area and is not required to comply with the City's Post-Construction Hydromodification Management Policy (Council Policy 8-14).



- f. *Flood: Zone D:* The Project site is not within a designated Federal Emergency Management Agency (FEMA) 100-year floodplain. Flood zone D is an unstudied area where flood hazards are undetermined, but flooding is possible. There are no City floodplain requirements for zone D.
  - g. *Sewage Fees:* In accordance with City Ordinance all storm sewer area fees, sanitary sewer connection fees, and sewage treatment plant connection fees, less previous credits, are due and payable.
  - h. *Undergrounding:* Oakland Road is a designated street and is subject to the In-Lieu Undergrounding fee. The In-Lieu Undergrounding fee is a percentage of the intensification of the project. However, this project proposes no significant intensification; therefore no In-Lieu Undergrounding fee will be due.
  - i. *Assessment:* This Project is located within the boundaries of Maintenance District 11 which maintains the enhanced street island landscaping along a portion of Brokaw Road and Old Oakland Road. The benefiting properties within the district pay for the maintenance through annual assessments placed on the property tax bills which are adjusted annually by the Consumer Price Index. The 2013-14 assessment for assessor's parcel 237-03-059 is \$977.74 and is calculated at approximately \$279 per acre. Public agencies and non-profit uses are not exempt from this special assessment. Future year assessments will continue to be collected through the County property tax bills listed under TAX CODE 934 "SJ MAINT DIST #11".
  - j. *Street Improvements:*
    - i. Applicant shall be responsible to remove and replace curb, gutter, and sidewalk damaged during construction of the Project.
    - ii. Upgrade handicap ramp at the southeast corner of Fox Lane and Ridder Park Drive to conform to City and ADA standards.
    - iii. Upgrade handicap ramp at the southwest corner of Oakland Road and Fox Lane to conform to City and ADA standards.
    - iv. Reconstruct driveways along Fox Lane to be 26 feet wide per city standard.
18. **Revocation, Suspension, Modification.** This Conditional Use Permit may be revoked, suspended or modified by the Planning Commission, or by the City Council on appeal, at any time regardless of who is the owner of the subject property or who has the right to possession thereof or who is using the same at such time, whenever, after a noticed hearing in accordance with Part 2, Chapter 20.100, Title 20 of the San José Municipal Code it finds:
- a. A violation of any conditions of the Conditional Use Permit was not abated, corrected or rectified within the time specified on the notice of violation; or

- b. A violation of any City ordinance or State or Federal law was not abated, corrected or rectified within the time specified on the notice of violation; or
- c. The use as presently conducted creates a nuisance.

In accordance with the findings set forth above, a permit to use the subject property for said purpose specified above is hereby approved.

**APPROVED** this **10<sup>th</sup> day of December, 2014**, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

MATT KAMKAR  
Chairperson

ATTEST:

---

HARRY FREITAS  
Director of Planning, Building & Code Enforcement  
Planning Commission Secretary

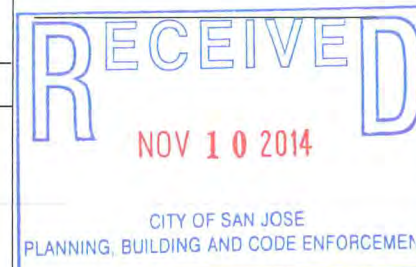
#### **NOTICE TO PARTIES**

*The time within which judicial review must be sought to review this decision is governed by the provisions of the California Code of Civil Procedure Section 1094.6.*



**Minden Midiere Architects**

21580 Stevens Creek Blvd #209A Cupertino, CA 95014  
voice (408) 252-9500  
fax (408) 252-9502  
minden@MMAarch.com  
midiere@MMAarch.com



Planning Submittal for Conditional Use Permit:

**1350 Ridder Park Dr.**

San Jose, CA

**Cover Sheet and Symbols**

2014-055

May 8, 2014

**A0.1**

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## CONSTRUCTION NOTES

1. ALL DIMENSIONS ARE TO FACE OF STUD UNLESS OTHERWISE NOTED.
2. DEBRIS TO BE REMOVED DAILY OR AS REQUIRED BY CONSTRUCTION OPERATIONS.
3. CONTRACTOR IS RESPONSIBLE FOR COORDINATING ALL SUBCONTRACTORS.
4. "TYP" - REPEAT WHEREVER THIS CONDITION OCCURS.
5. "SIM" - REPEAT & MODIFY AS REQUIRED TO SUIT CONDITION.
6. ALL DOORS ADJACENT TO WALLS ARE GIVEN AS 6" FROM FACE OF JAMB TO F.O.F. OF ADJACENT WALL U.O.N.
7. PROVIDE EXIT SIGNS PER 2010 CBC SEC. 1006 & 1011.

## LEGEND

- 101 ROOM NUMBER
- EXISTING CONSTRUCTION
- NEW CONSTRUCTION
- DEMO CONSTRUCTION
- DOOR NUMBER AND SCHEDULE ON SHEET A2.2
- HARDWARE GROUP
- INDICATES ACTIVE LEAF INDICATES CHANGE IN FLOOR FINISH
- INTERIOR ELEVATION (SHADING INDICATES DIRECTION OF VIEW)
- SHEET WHERE OCCURS
- DETAIL NUMBER
- SHEET WHERE OCCURS
- FLOOR DRAIN
- ALIGN FACE OF FINISH W/FACE OF FINISH
- F.E.C. FIRE EXTINGUISHER CABINET
- SURFACE MOUNTED ELECTRICAL PANEL BOARD
- RECESSED ELECTRICAL
- EXIT SIGN (WALL OR CLG. MTD.) ("L" INDICATES LOW LEVEL SIGN)
- STRIP LIGHTING
- SUPPLY AIR DIFFUSER
- RETURN AIR DIFFUSER
- AFS HEAD
- DUCT PENETRATION. SEE MECH.

## APPLICABLE CODES

THE FOLLOWING CODES ARE APPLICABLE TO THIS PROJECT IN ACCORDANCE WITH ALL STATE, FEDERAL AND LOCAL CODES

CA BUILDING CODE	2013 Title 24 Pt.2
CA MECHANICAL CODE	2013 Title 24 Pt.4
CA PLUMBING CODE	2013 Title 24 Pt.5
CA ELECTRICAL CODE	2013 Title 24 Pt.3
CA FIRE CODE	2013 Title 24 Pt.9
CA ENERGY CODE	2013 Title 24 Pt.6
CITY OF SAN JOSE MUNICIPAL CODE & ORDINANCES	

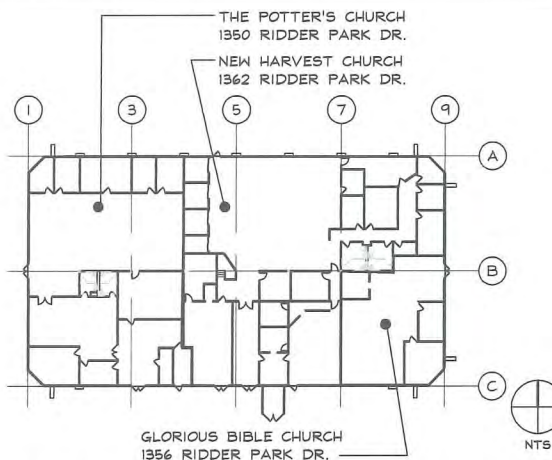
## PROJECT DESCRIPTION

THE SCOPE OF WORK CONSISTS OF THE INTERIOR TENANT IMPROVEMENTS TO AN EXISTING 17,059 S.F. SINGLE STORY OFFICE BUILDING.

THE IMPROVEMENTS INCLUDE A CHANGE OF USE OF THE CURRENT SPACE FROM OFFICE TO WORSHIP ASSEMBLY/OFFICE AND SHALL BE MODIFIED FROM A B-OCCUPANCY TO A-3/B-OCCUPANCY.

(E) SITE ACCESSIBILITY AND TOILET CORES CURRENTLY MEET ADA ACCESSIBILITY REQUIREMENTS AND SHALL REMAIN UNCHANGED

## KEY PLAN



## PROJECT DATA

ADDRESS:	1350 RIDDER PARK DR. SAN JOSE, CA
ASSESSOR'S PARCEL NO.:	237-03-059
TOTAL SITE AREA:	152,490 .F. (3.5 AC)
THE POTTER'S HOUSE CHURCH 1350 RIDDER PARK DR.	6,656 SF
GLORIOUS BIBLE CHURCH 1356 RIDDER PARK DR.	2,329 SF
NEW HARVEST CHURCH 1362 RIDDER PARK DR.	8,609 SF
TOTAL TENANT AREA:	17,594 SF.
CONSTRUCTION TYPE:	(E) TYPE III-B
OCCUPANCY GROUP:	B/A-3
BUILDING HEIGHT:	(E) SINGLE-STORY
FIRE PROTECTION:	(E) FULLY SPRINKLERED
ZONING CLASSIFICATION	CIC - COMBINED INDUSTRIAL/ COMMERCIAL

Conditional Use Permit for:

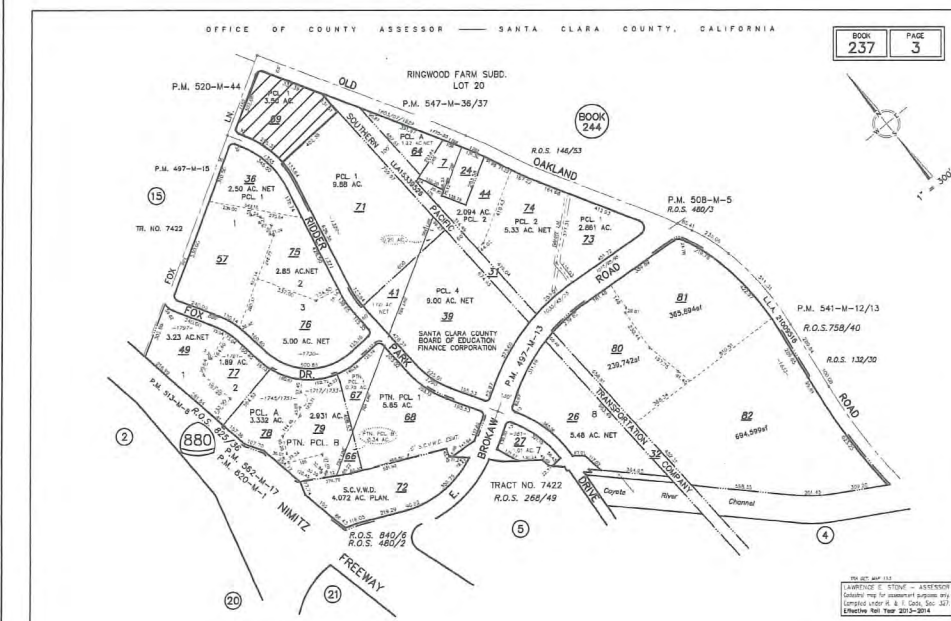
**1350 Ridder Park Dr.**

**San Jose, CA**

## VICINITY MAP



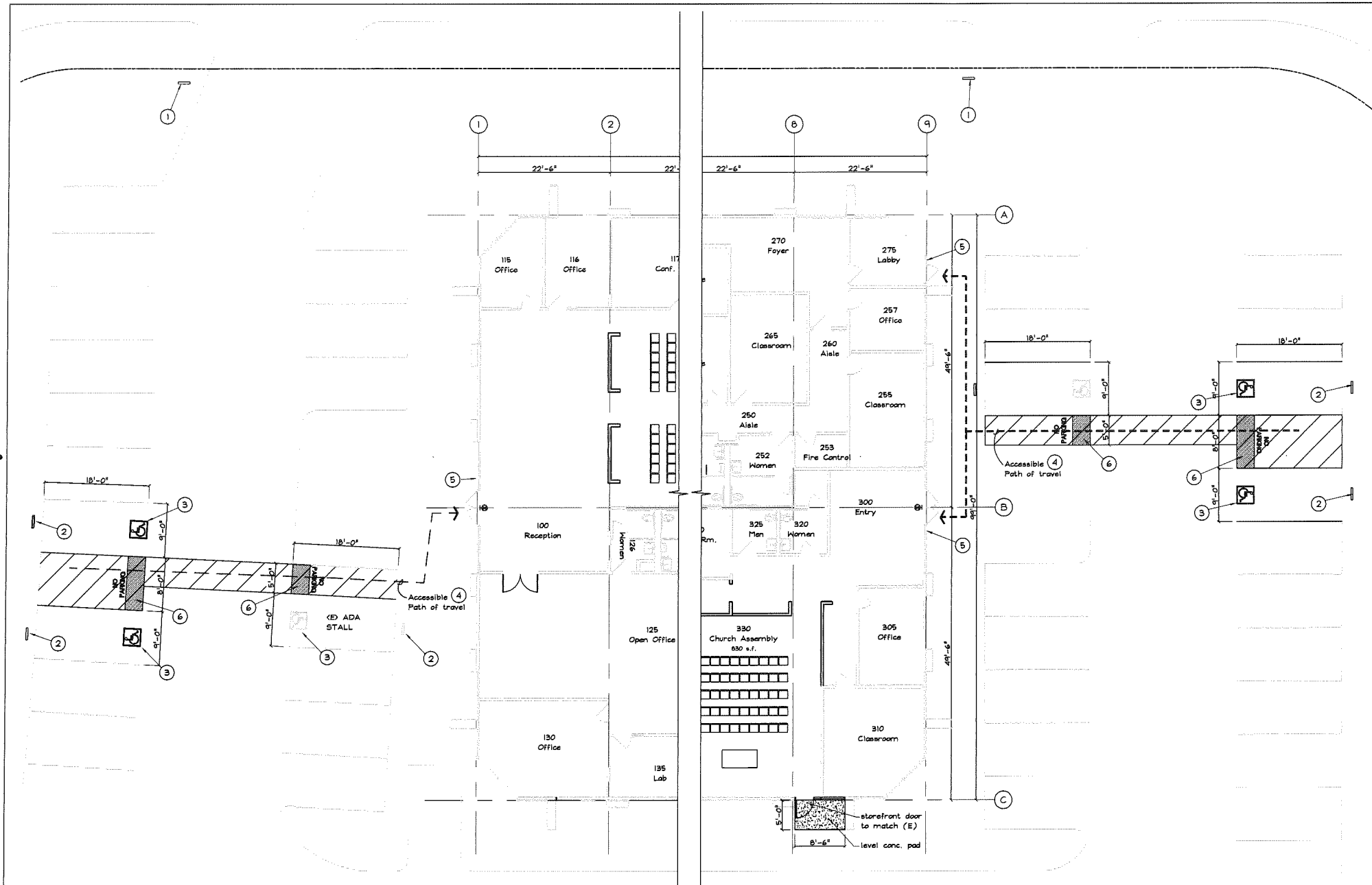
## PARCELMAP







Parking Data - Current				Parking Data - Proposed per Tenant (Non-concurrent Use)				Parking Data - Proposed (Total)	
<u>Parking Required - Office Use</u>				<u>Parking Required - Church Use (non-concurrent)</u>		<u>Parking Required - Church Use (non-concurrent)</u>		<u>Parking Required - Church Assembly Use Only</u>	
Total Bldg. Area				Total Bldg. Area		Total Bldg. Area		Total Bldg. Area	
1350 Ridder Park Dr.				1350 Ridder Park Dr. - The Potter's House Church		1356 Ridder Park Dr. - Glories Bible Church		1350 Ridder Park Dr.	
Office (1 per 300 sf)				Tenant Area - 6,655 s.f.		Tenant Area - 2,329 s.f.		50 stalls	
17,594 s.f. 59 stalls								1356 Ridder Park Dr.	
1330 Ridder Park Dr.				Church Assembly (1 per 30 sf) 1,500 s.f. 50 stalls		Church Assembly (1 per 30 sf) 830 s.f. 28 stalls		28 stalls	
Office (1 per 300 sf)				Business/Admin (1 per 250 sf) 2,000 s.f. 8 stalls		Business/Admin (1 per 250 sf) 440 s.f. 2 stalls		1362 Ridder Park Dr.	
34,000 s.f. 113 stalls				Office (1 per 300 sf) 3,156 s.f. 11 stalls		Office (1 per 300 sf) 5,829 s.f. 20 stalls		78 stalls	
Total No. of Stalls Required 172 stalls				Total No. of Stalls Required 69 stalls		Total No. of Stalls Required 100 stalls		Total No. of Stalls Required 156 stalls	
No. of H/C Accessible stall req'd 5 (1 van)				Total No. of Stalls Required for Church Assembly Only 50 stalls		Total No. of Stalls Required for Church Assembly Only 78 stalls		No. of H/C Accessible stall req'd 6 (1 van)	
<u>Parking Provided</u>								<u>Parking Provided</u>	
Standard Stalls 111 stalls								Standard Stalls 105 stalls	
Compact Stalls 54 stalls								Compact Stalls 54 stalls	
Total No. of Stalls Provided 165 stalls								Total No. of Stalls Provided 159 stalls	
H/C Accessible 5 (1 van min.)								H/C Accessible 9 (1 van min.)	



## Site Notes

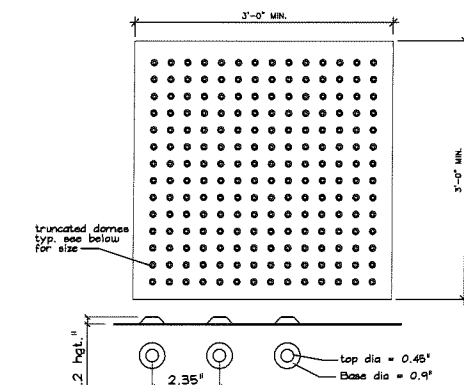
- ① (E) Restricted site parking signage, see detail 1.
- ② (E) Accessible parking signage, see detail 2.
- ③ (E) Accessible parking symbol, typ., see detail 3.
- ④ (E) Accessible parking spaces, max. 2% slope in any direction. The words "NO PARKING" to be painted at access aisle in white letters no less than 12" high. Stripes at 36" max. on center w/ color contrasting with parking surface, preferably blue or white. Perimeter striping to be blue.
- ⑤ (E) International ADA accessibility signage at entry.
- ⑥ Detectable Warning, truncated domes see detail 4.

Planning Submittal for Conditional Use Permit:

**1350 Ridder Park Dr.**

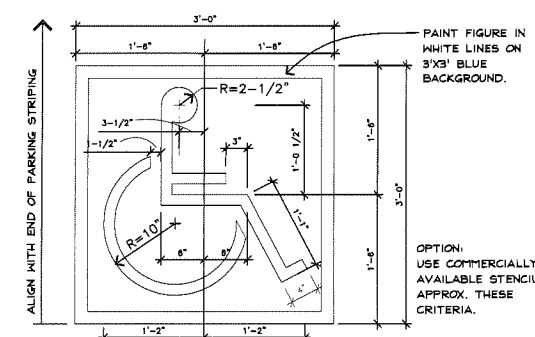
San Jose, CA

## Proposed Site Plan



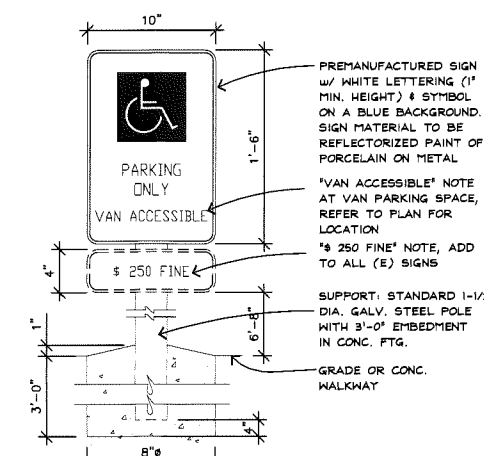
Truncated Dome Detail

NTS ④



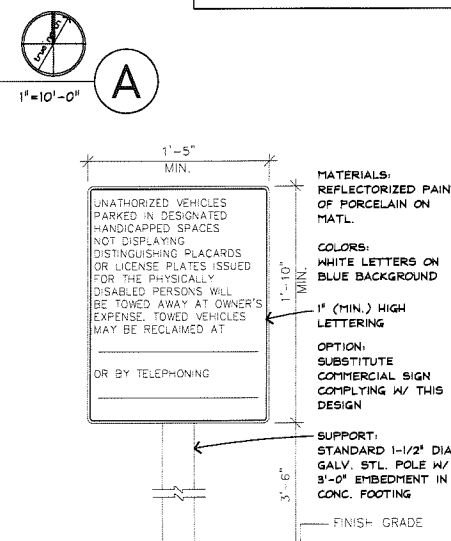
(E) H/C parking symbol on pavement

NTS ③



(E) H/C parking sign at parking stalls

NTS ②



(E) H/C parking restricted sign to be posted at parking lot entry

NTS ①

## Proposed Site Plan and Site Details

1014-055  
 May 8, 2014

**A1.2**

Planning Submittal for Conditional Use Permit:

# 1350 Ridder Park Dr.

San Jose, CA

1350 Ridder Park Dr.  
A-3 Occupancy (3,500 s.f.)  
(worship area - 1,500 s.f.)

1350 Ridder Park Dr.  
B Occupancy  
(3,165 s.f.)

1362 Ridder Park Dr.  
A-3 Occupancy (4,235 s.f.)  
(worship area - 2,340 s.f.)

1362 Ridder Park Dr.  
B Occupancy (2,040 s.f.)

1362 Ridder Park Dr.  
B Occupancy (2,334 s.f.)

1356 Ridder Park Dr.  
A-3 Occupancy (2,329 s.f.)  
(worship area - 830 s.f.)

## Floor Plan / Exiting Plan

### Exit Width Analysis

1350 Ridder Park Dr.

50 occ x .2" = 10" or 34" required.

72" provided

1356 Ridder Park Dr.

73 occ x .2" = 14.6" or 34" required.

72" provided

1362 Ridder Park Dr.

28 occ x .2" = 5.6" or 34" required.

72" provided

### Allowable areas: Type III-B

B Occupancy to be unlimited (60'-0" min. yards / public ways provided)(per sec. CBC 507.3)

A-3 Occupancy to be unlimited (60'-0" min. yards / public ways provided)(per sec. CBC 507.7)

Per sec. CBD 508.3 NONSEPARATED OCCUPANCIES - most restrictive is A-3 Occupancy

OCCUPANCY	REQUIREMENTS	ALLOWABLE AREAS	REF. SECTION
B Occupancy Total: 7,754 s.f.	BASIC ALLOWABLE HEIGHT	3 STORIES	TABLE 503
	BASIC ALLOWABLE AREA	19,000 SF	TABLE 503
	AREA MODIFICATIONS: + sprinklered 9,500 x 3 = 19,000 + 19,000 + 57,000 =	95,000 s.f.	SEC. 506.1-4
A-3 Occupancy Total: 9,840 s.f.	BASIC ALLOWABLE HEIGHT	2 STORIES	TABLE 503
	BASIC ALLOWABLE AREA	9,500 SF	TABLE 503
	AREA MODIFICATIONS: + sprinklered 9,500 x 3 = 9,500 + 9,500 + 28,500 =	47,500 s.f.	SEC. 506.1-4
<b>Total Building</b> Total: 17,594 s.f.			

### Means of Egress Illumination

The means of egress illumination level shall not be less than 1 foot-candle (11 lux) at the walking surface level. In the event of power supply failure, an emergency electrical system shall automatically illuminate the following areas:

- Aisles and unclosed egress stairways in rooms and spaces that require two or more exits.
- Corridors, exit enclosures and exit passageways in buildings required to have two or more exits.
- Exterior egress components at other than the level of exit discharge until exit discharge is accomplished for buildings required to have two or more exits.
- Interior exit discharge elements, as permitted in Section 1024.1, in buildings required to have two or more exits.
- Exterior landings, as required by Section 100B.1.5., for exit discharge doorways in buildings required to have two or more exits.

The emergency power system shall provide power for duration of not less than 90 minutes and shall consist of storage batteries, unit equipment or an on-site generator.

The installation of the emergency power systems shall be in accordance with Section 2702.

### LEGEND:

- Point of Egress
- Exit Load and direction of travel
- (E) 1-hr. fire rated construction at demising wall
- A-3 Occupancy
- A-3 Occupancy (worship area)
- (E) B-Occupancy

### Tactile Signage Requirements

- Each grade level exterior exit to be provided with tactile signage per CBC 1117B.5.1.2 - "EXIT"
- Each exit access door from an interior room or area to a corridor or hallway that is required to have a visual exit sign per CBC 1117.5.2.1. - "EXIT ROUTE"

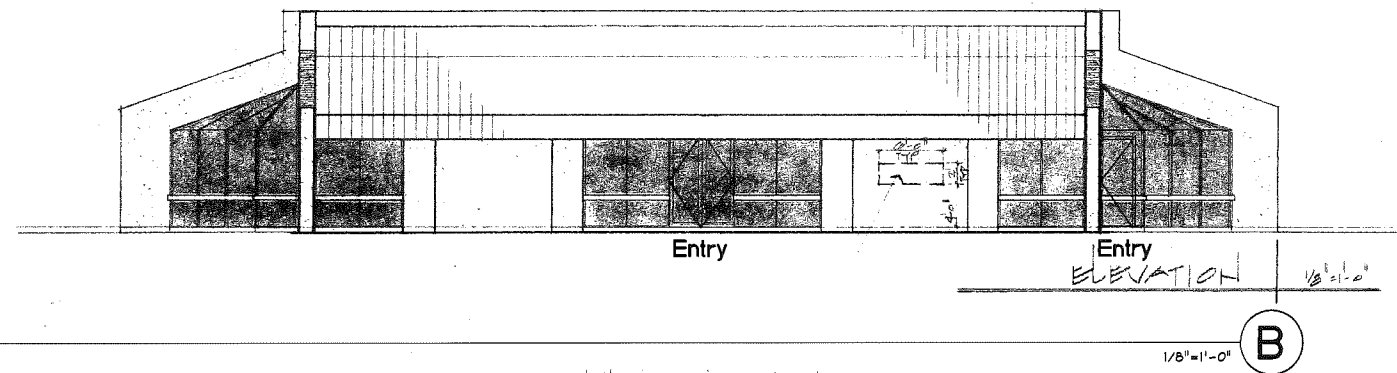
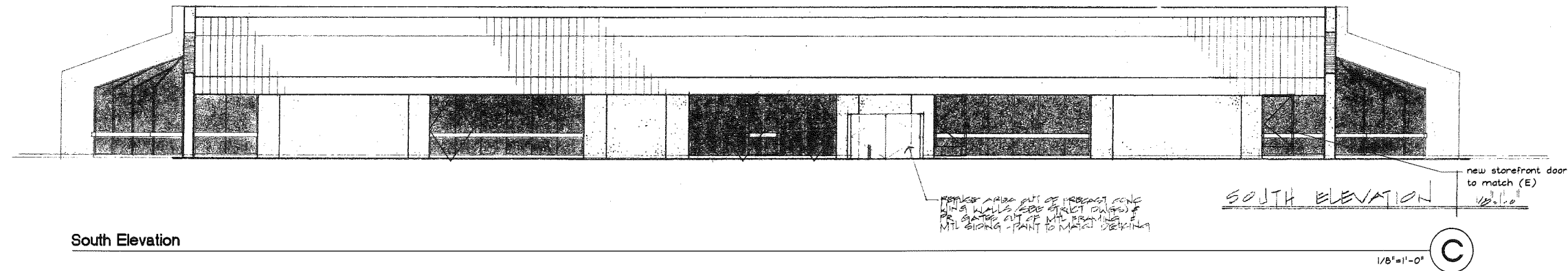
## Floor plan / Exiting Plan and Area Calculations

2014-055

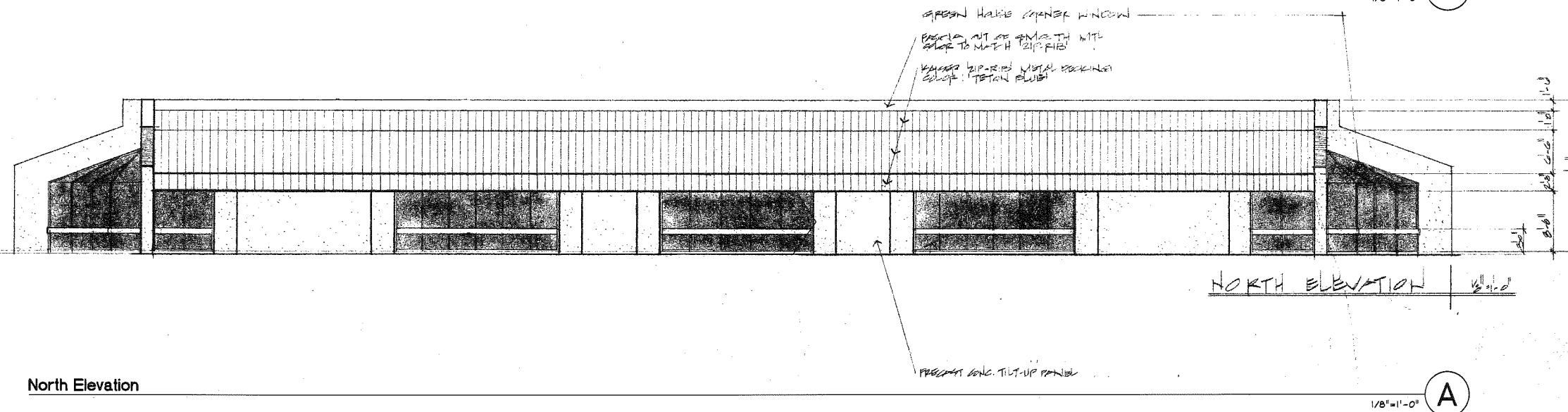
May 8, 2014

**A2.1**

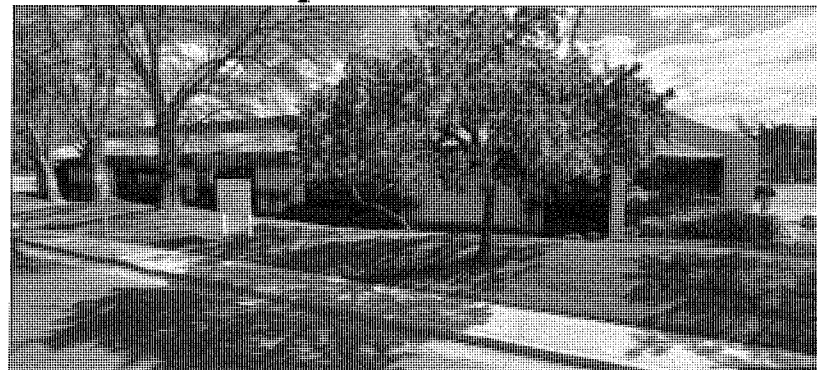




West Elevation - Potter's Church, East Elevation, sim.



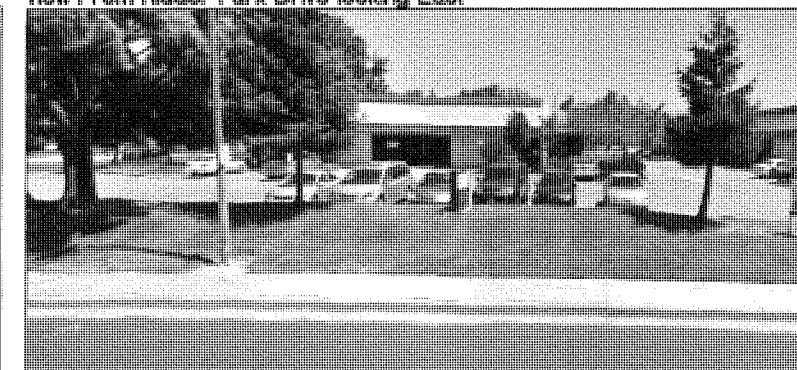
View From Fox Lane looking South



View From Fox Lane looking Southeast



View From Ridder Park Drive looking East



Planning Submittal for Conditional Use Permit:

**1350 Ridder Park Dr.**

San Jose, CA

Issued for Planning	05-08-14
Re-issued for Planning	09-12-14

Exterior Elevations  
and Site Photographs

2014-055  
May 8, 2014

**A3.1**